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Title 28 EDUCATION

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Title 28

EDUCATION

Part XXXIX. Bulletin 1566—Guidelines for Pupil Progression

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Chapter 1. Purpose

§101. Foreword

A. This publication represents a forward step in the implementation of a vital component of R.S. 17:24.4. These Guidelines represent a cooperative effort of offices in the Louisiana Department of Education (LDE), and educators from across the State.

B. The Louisiana Department of Education will continue to provide leadership and assistance to school systems in an effort to attain a public system of education that makes the opportunity to learn available to all students on equal terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2169 (November 1999).

§103. Preface

A. "The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just and designed to promote excellence in order that every individual may be afforded an equal opportunity to achieve his full potential" (Preamble to Article VIII, Louisiana Constitution). This goal statement from the Constitution suggests that public elementary and secondary education is only a part of a continuum of services that should be available to assist each individual to identify and reach his/her own educational or training goals as quickly and effectively as possible.

B. The amendment and enactment of the Louisiana Competency-Based Education Program, Act 750, (R.S. 17:24.4) by the Louisiana State Legislature in Regular Session during the summer of 1997, was the result of an ever-increasing demand by Louisiana's taxpayers for a better accounting of their educational dollars. A forerunner of Act 750 was Act 621, the Public School Accountability Law. This far-reaching statute called for:

1. the establishment of a program for shared educational accountability in the public educational system of Louisiana;
2. the provision for a uniform system of evaluation of the performance of school personnel;
3. the attainment of established goals for education;

4. the provision of information for accurate analysis of the costs associated with public educational programs;

5. the provision of information for an analysis of the effectiveness of instructional programs; and

6. the annual assessment of students based on state content standards.

C. The Louisiana Competency-Based Education Law evolved from the Accountability Law into a unique program that encompasses all recent educational statutes, providing opportunities for students to learn systematically and opportunities for educators to gear instructional programs to achievement based on specific objectives.

D. The Louisiana Competency-Based Program is based on the premise that the program must provide options to accommodate the many different learning styles of its students. Every effort is being made to tailor the curriculum to the needs of the individual student, including the student with special instructional needs who subsequently needs curricular alternatives. Such a practice enhances the probability of success, since the student is provided with an instructional program compatible with his individual learning styles as well as with his needs.

E. The Louisiana State Legislature in Regular Session during the summer of 1997 amended and reenacted R.S. 17:24.4(F) and (G)(1), relative to the Louisiana Competency-Based Education Program, to require proficiency on certain tests as determined by the State Board of Elementary and Secondary Education (SBESE) for student promotion and to provide guidelines relative to the content of Pupil Progression Plans.

F. The amended sections relate state content standards adopted for mathematics, English language arts, science, and social studies, to the Louisiana Educational Assessment Program (LEAP), and to the comprehensive Pupil Progression Plans of each of the 66 local educational agencies.

G. A *Pupil Progression Plan* is a comprehensive plan developed and adopted by each parish or city school board; it shall be based on student performance on the Louisiana Educational Assessment Program with goals and objectives that are compatible with the Louisiana Competency-Based Education Programs and that supplement standards approved by the State Board of Elementary and Secondary Education (SBESE). A Pupil Progression Plan shall require the student's proficiency on certain tests as determined by the SBESE before he or she can be recommended for promotion.

H.1. The revised Section G of the Competency-Based Education Program, Act 750, addresses the Pupil Progression Plan as follows.

Each city and parish school board shall appoint a committee which shall be representative of the parents of the school district under the authority of such school board. Each committee shall participate and have input in the development of the Pupil Progression Plans provided for in this Section. Each parish or city school board shall have developed and shall submit to the State Department of Education a Pupil Progression Plan which shall be in accordance with the requirements of this section and be based upon student achievements, performance, and proficiency on tests required by this section. Each parish or city school board plan for pupil progression shall be based on local goals and objectives which are compatible with the Louisiana Competency-Based Education Program numerated in R.S. 17:24.4(B), which comply with the provisions of R.S. 17:24.4(A)(3), and which supplement the performance standards approved by the State Board of Elementary and Secondary Education. Each local school board shall establish a policy regarding student promotion or placement which shall comply with the provisions of this Section, including the requirements for Pupil Progression Plans. Based upon the local school board policy, which policy shall be developed with the participation and input of the committee provided for in this Subsection G, each teacher shall, on an individualized basis, determine promotion or placement of each student. Each local school board may review promotion and placement decisions in order to insure compliance with the established policy. Review may be initiated by the local board, superintendent, or parent or guardian. Those students who fail to meet required proficiency levels on the state administered criterion-referenced test of the Louisiana Educational Assessment Program shall receive remedial education programs that comply with regulations adopted by the State Board of Elementary and Secondary Education.

2. Those persons responsible for developing local Pupil Progression Plans must build their plans on a broad-based instructional program fluid enough to accommodate the individual student's previous experience, his acquired skills and abilities, and his deficiencies and disabilities, while at the same time maintaining a balance in the student's curricular experiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2169 (November 1999).

Chapter 3. General Procedure for Development; Approval and Revision of a Pupil Progression Plan

§301. Development of a Local Plan

A. Committee of Educators

1. The State Board of Elementary and Secondary Education (SBESE) and the Louisiana Department of Education (LDE) require assurances that the local education agency (LEA) Supervisors of Elementary and Secondary Education, Special Education, Vocational Education, Adult Education, Title I, teachers and principals and other individuals deemed appropriate by the local Superintendent are included in the development of the parish Pupil Progression Plan.

B. Committee of Parents

1. Act 750 of the 1979 Louisiana Legislature states that:

"each city and parish school board shall appoint a committee which shall be representative of the parents of the school district under the authority of such school board. Such committees shall participate and have input in the development of the Pupil Progression Plan."

2. A committee representing the parents of the school district shall be appointed by each city and parish school board. Procedures shall be established whereby this committee shall be informed of the development of the Pupil Progression Plan. Opportunities shall be provided for parents to have input into the development of the local plan.

3. Due process and equal protection considerations require the local board to include on the parent committee representatives of various disability groups, racial, socio-economic, and ethnic groups from the local district.

4. The local board shall provide staff support to the parent committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2170 (November 1999).

§303. Description of Committees

A. The local school system shall keep on file a written description of the method of selection, composition, function and activities of the local committees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2170 (November 1999).

§305. Adoption Procedures

A. Initial Adoption by the Local School Board

1. Meetings of the local committees shall be conducted within the legal guidelines of Louisiana's Open Meeting Law [R.S. 42:4:2(A)(2); Attorney General's Opinion Number 79-1045].

2. The local Pupil Progression Plan shall be adopted at a public meeting of the local board, notice of which shall be published pursuant to the Open Meetings Law. It shall be stated that once the plan has been adopted and approved, the policies in the local plan shall be incorporated into the policies and procedures manual of the local school board.

3. The statements defining the committee-selection process and the Pupil Progression Plan are public documents that must be handled within the guidelines of the Public records Act (R.S. 44:1-42).

B. Locally Initiated Interim Revisions

1. School systems/school boards will comply with the same procedure as for initial adoption by the local school board.

C. State Mandated Interim Revisions

1. School systems will be notified of any policy change that will affect their currently approved Pupil Progression Plan within 15 working days after the Notice of Intent is passed by the State Board of Elementary and Secondary Education.

2. School systems/school boards shall develop a procedure for informing the public of the proposed policy change.

3. After final adoption as a rule by SBESE, school boards shall adopt and incorporate the state mandated policy changes into their current Pupil Progression Plan within 30 working days after notification of said changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:188 (February 2001), LR 27:1517 (September 2001).

§307. Submission Process

A. Upon adoption for submission by the local school board, the plan along with a formal submission statement shall be submitted annually to the Office of Student and School Performance. Documentation of input in the plans development by educators and parents as well as public notice prior to local board approval and locally initiated revisions (including dates and locations) must be submitted.

1. Interim Revisions: Locally Initiated and State-Mandated

a. Resubmission of two copies of the local board approved pages is made to the Department of Education.

b. Signatures of the local school board president and superintendent are required.

c. The revisions are incorporated into the Pupil Progression Plan at both the local and state level

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 26:64 (January 2000), 27:1517 (September 2001).

Chapter 5. Placement Policies; State Requirements

§501. State Requirements

A. Each local Pupil Progression Plan shall contain written policies relative to regular placement and alternatives to regular placement. Such policies must conform to the requirements of these guidelines.

B. Based upon local school board policy pursuant to these guidelines, each teacher shall, on an individualized basis, determine promotion or placement of each student [Act 750; R.S. 17:24.4(G)]. Local School Board policies relative to pupil progression will apply to students placed in

regular education programs as well as to exceptional students and to students placed in alternative programs. Placement decisions for exceptional students must be made in accordance with the least restrictive environment requirements of state and federal laws (Act 754 Regulations, Subsection 443).

C. No school board member, school superintendent, assistant superintendent, principal, guidance counselor, other teacher, or other administrative staff members of the school or the central staff of the parish or city school board shall attempt, directly or indirectly, to influence, alter, or otherwise affect the grade received by a student from his/her teacher (R.S. 17:414.2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999).

§503. Regular Placement¹

A. Promotion—Grades K-12

1. Promotion from one grade to another for regular students and students with disabilities shall be based on the following statewide evaluative criteria.

a. Requirements in Bulletin 741, Louisiana Handbook for School Administrators

i. Each plan shall include the school attendance requirements.

ii. Each plan shall include the course requirements for promotion by grade levels.

iii. Each plan shall include other applicable requirements.

b. Requirements of the Louisiana Educational Assessment Program

i. Each plan shall include the statement that, in addition to completing a minimum of 23 Carnegie units of credit as presented by SBESE, the student shall be required to pass all components of the Graduation Exit Examination in order to receive a high school diploma.

ii.(a). No fourth or eighth grade student shall be promoted until he or she has scored at or above the "Basic" achievement level on the English Language Arts or Mathematics components of the LEAP for the 21st century (LEAP 21) and at the "Approaching Basic" achievement level on the other (hereafter referred to as the "Basic/Approaching Basic" combination).

(b). Exceptional students participating in LEAP 21 must be provided with accommodations as noted in the students' IEPs.

c. Exceptions to this policy include:

i. Policy Override. A given student scores at the "Unsatisfactory" level in English Language Arts or Mathematics and scores at the "Mastery" or "Advanced" level in the other; and participates in the summer school and

retest offered by the LEA. The decision to override is made in accordance with the local Pupil Progression Plan, which may include referral to the School Building Level Committee (SBLC).

ii. Retention Limit (Fourth Grade). The decision to retain a student in the fourth grade more than once as a result of failure to score at or above the "Basic/Approaching Basis" combination on the English Language Arts and Mathematics components of LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan which shall include the following.

(a). A student who has repeated the fourth grade may be promoted to only the fifth grade. A district may apply for a waiver from this part of the policy if their specific plan is presented to the Department of Education and it is approved by the State Superintendent of Education. (See Appendix C, Chapter 15).

(b). A student who has repeated the fourth grade and who is 12 years old on or before September 30 may be promoted according to the Local Pupil Progression Plan.

(c). Students retained in the fourth grade shall retake all four components of the LEAP 21.

(d). For promotional purposes, a student must score at or above the "Basic/Approaching Basic" combination on the English Language Arts and Mathematics components of the LEAP 21 only one time.

iii. Appeal Process (Fourth Grade). After the summer retest, a school system, through its superintendent, may consider granting an appeal on behalf of individual students, provided that all of the following criteria have been met.

(a). The student's highest score in English Language Arts and/or Mathematics on either the spring or summer LEAP 21 must fall within 20 scaled score points of the cutoff score for "Basic."

(b). The student shall have a 3.0 grade point average on a 4.0 scale in the subject(s) for which the appeal is being considered.

(c). The student must have attended the LEAP 21 summer remediation program.

(d). The student must have taken the LEAP 21 retest given after the LEAP 21 summer remediation program has been concluded.

(e). The student must have met state-mandated attendance regulations during the regular school year and any locally mandated regulations during the summer remediation program.

(f). The principal and the School Building Level Committee (SBLC) must review student work samples and attest that the student exhibits the ability of performing at or above the *Basic* achievement level in the subject for which the appeal is being considered.

iv. Retention Limit (Eighth Grade). After the summer retest, a school system, through its superintendent, may consider a waiver for an eighth grade student who has scored at the "Approaching Basic" level on both the English Language Arts and Mathematics components of LEAP 21. The LEA may grant the waiver in accordance with the local Pupil Progression Plan provided the following criteria are met.

(a). The student may be promoted to the ninth grade, provided that he or she has scored at the "Approaching Basic" level on both the English Language Arts and Mathematics components of LEAP 21, has attended the LEAP 21 summer remediation program offered by the district, and has taken the summer retest administered at the conclusion of the summer program.

(b). The student must retake the component(s) (English Language Arts and/or Mathematics) of the retest on which a score of "Approaching Basic" or below was attained on the spring test. At a minimum, the student shall score "Approaching Basic" on the English Language Arts and the Mathematics component(s) of the summer retest.

(c). Any student who scores less than "Approaching Basic" on either component of the summer retest is ineligible for the waiver consideration.

v. The student who has repeated the eighth grade may either be:

(a). retained again in the eighth grade;

(b). promoted to the ninth grade, provided that the student has scored at the "Approaching Basic" level on either the English Language Arts or Mathematics component of LEAP 21, has attended the LEAP 21 summer remediation program offered by the District in, at a minimum, the "Unsatisfactory" subject, and has taken the summer retest administered at the conclusion of the summer program. If promoted with an "Unsatisfactory" on the English Language Arts or Mathematics component of LEAP 21, the student must enroll in and pass a high school remedial course in the "Unsatisfactory" subject (English language arts or mathematics) before enrolling in or earning Carnegie credit for English or mathematics; or

(c). placed in the Pre-GED/Skills Options Program that shall be available to students who meet criteria as outlined in *Bulletin 741—Louisiana Handbook for School Administrators*, §2907.

vi. LEAP 21 Testing

(a). Students repeating the eighth grade will retake all four components of LEAP 21.

(b). Students in the Pre-GED/Skills Options Program will take the ninth grade *i*LEAP.

vii. Students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA) participating in LEAP 21 Alternate Assessment. Students with disabilities who participate in the LEAP 21 Alternate

Assessment, Level 1 (LAA1), shall have promotion decisions determined by the SBLC.

(a). Students with disabilities who participate in the LEAP Alternate Assessment, Level 2 (LAA2), shall have promotion decisions determined by the SBLC.

viii. Waiver for Limited English Proficient (LEP) Student. LEP Students shall participate in statewide assessment. The SBLC shall be granted the authority to waive the state's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

ix. Waiver for Extenuating Circumstances. A school system through its superintendent may grant a waiver on behalf of individual students who are unable to participate in LEAP 21 testing or unable to attend LEAP 21 summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation: a physical illness or injury that is acute or catastrophic in nature, a chronic physical condition that is in an acute phase or court ordered custody issues. (Refer to Appendix B, Chapter 13.)

x. State Granted Exceptions. A local school superintendent, a parent or guardian, or the State Department of Education may initiate a request for a state-granted waiver from the State Superintendent of Education on behalf of individual students who are not eligible for promotion because of LEA error or other unique situations not covered under extenuating circumstances. The Department of Education will provide to the State Board of Elementary and Secondary Education detailing state-granted waivers. (Refer to Appendix B, Chapter 13.)

xi. In order to move students toward grade level performance, LEAs shall design and implement additional instructional strategies for those fourth and eighth grade students being retained. The purpose of the additional instructional strategies is to move the students to grade-level proficiency by providing the following: focused instruction in the subject area(s) on which they scored at the "Approaching Basic" and/or "Unsatisfactory" level on LEAP 21, and ongoing instruction in the core subject areas using curricula based on State-level content standards and the Grade Level Expectations. LEAs are also encouraged to design and implement additional instructional strategies for students in grades 3, 4, 7, and 8 who have been determined to be at risk of failing to achieve the "Basic/Approaching Basic" combination on LEAP 21.

xii. Summer remediation programs and end-of-summer retests must be offered by school systems at no cost to students who did not take the Spring LEAP 21 tests or who failed to achieve the required level on LEAP 21.

(a). Students with disabilities who participate in LEAP 21 Alternate Assessment, Level 1 (LAA1), are not eligible to attend LEAP 21 summer remediation programs.

(b). Students with disabilities who participate in LEAP Alternate Assessment, Level 2 (LAA2), are eligible to attend LEAP summer remediation programs.

xiii. The aforementioned policies will be in effect from spring 2006 through spring 2008. The promotion policy will be reviewed in 2008.

xiv. Other Requirements

(a). Each plan shall include the function of the school building level committee/student assistance team as it relates to student promotion. Refer to Appendix B (Chapter 13) for complete text of the High Stakes Testing Policy.

(b). Schools can only make recommendations to parents regarding student enrollment in kindergarten, since kindergarten is not mandatory.

B. Retention—Grades K-12

1. Retention of a student shall be based upon the student's failure to meet the criteria established by local boards for promotion and other criteria contained in these guidelines.

C. Acceleration

1. Grades K-8

a. The local school board shall establish written policies and procedures for the placement of students who evidence that they will benefit more from the instructional program at an advanced grade level.

2. Grades 9-12

a. The local school board shall follow the policies and procedures established in Bulletin 741, *Louisiana Handbook for School Administrators*, and other local requirements for student acceleration.

D. Transfer Students

1. The local school board shall establish written policies for the placement of students transferring from all other systems and home schooling programs (public, nonpublic, (both in and out-of-state), and foreign countries).

a. Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school (state approved and unapproved), any home schooling program or Louisiana resident transferring from any out-of-state school shall be required to pass the English language arts and Mathematics portions of the state-developed LEAP 21 placement test.

¹Schools can only make recommendations to parents regarding student enrollment in kindergarten, since kindergarten is not mandatory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 2000), amended LR 26:1433 (July 2000), LR 26:1576 (August 2000), LR 27:188 (February 2001), LR 27:1006 (July 2001), LR 27:1682 (October 2001), LR 29:123 (February 2003), LR 30:407 (March 2004), LR 31:1974 (August 2005), LR 31:3103 (December 2005).

§505. Progression—Students Participating in LEAP Alternate Assessment (LAA) or LEAP Alternate Assessment B (LAA-B)

A. Students with disabilities who participate in the LEAP 21 alternate assessment (LAA) shall have promotion decisions determined by the School Building Level Committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 2000), amended LR 26:1433 (July 2000), LR 27:189 (February 2001), LR 27:1683 (October 2001), LR 29:123 (February 2003), LR 30:409 (March 2004).

§509. Alternative Schools/Programs

A. The local school board may establish alternative schools/programs/settings which shall respond to particular educational need(s) of its students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001), LR 27:1683 (October 2001).

§511. Review of Placement

A. Review of promotion and placement decisions may be initiated by the local school board, superintendent and/or parent or guardian [Act 750; R.S. 17:24.4(G)].

B. Each local school board may adopt policies whereby it may review promotion and placement decisions in order to insure compliance with its local plan [Act 750; R.S. 17:24.4(G)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999).

§513. Policies on Records and Reports

A. Local school systems shall maintain permanent records of each student's placement, K-12. Each record shall be maintained as a part of the student's cumulative file.

B. Student records for the purposes of these guidelines shall include:

1. course grades;
2. scores on the Louisiana Educational Assessment Program;
3. scores on local testing programs and screening instruments necessary to document the local criteria for promotion;
4. information (or reason) for student placement (see definition of *placement*);
5. documentation of results of student participation in remedial and alternative programs;

6. special education documents as specified in the approved IDEA-Part B, LEA application;

7. a copy of the letter informing the parent of either the placement of the student in or the removal of the student from a remedial program;

8. a statement regarding written notification to parent concerning retention and due process procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 27:189 (February 2001), LR 27:1683 (October 2001).

§515. Policies on Due Process

A. Due process procedures for teachers, students, and parents shall be specified in each local Pupil Progression Plan as related to student placement. The local school system must assure that these procedures do not contradict the due process rights of students with disabilities as defined in the IDEA-Part B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 27:189 (February 2001), LR 27:1683 (October 2001).

Chapter 7. Placement Policies; Local Options

§701. Local Options

A. In addition to the statewide mandatory criteria for student placement in Chapter 5, §501 of these guidelines, local school boards, by written local policies, may also establish local criteria to be used in determining student placement. Such criteria shall be compatible with the statewide criteria established in Chapter 5, §501 and shall be submitted to the LDE as part of the local Pupil Progression Plan.

B. Local option criteria for Pupil Progression Plans shall conform to the following guidelines. Additionally, at the option of local school systems, the plans may include other factors to be considered in pupil placements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999).

§703. Legislative Guidelines

A. Local school systems are encouraged to develop local criterion-referenced testing programs for local assessment use [Act 621; R.S. 17:391.7(G) and Act 750; R.S. 17:24(H)].

B. Local criteria for K-12 must supplement the content standards approved by the SBESE [Act 750; R.S. 17:24(G)].

C. Local criteria must be coordinated with statewide curricular standards for required subjects, to be developed as

part of the competency-based education plan [Act 750; R.S. 17:24.4(E) and (G)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999).

§705. Departmental Guidelines

A. Student scores on local testing programs may be used as additional criteria for determining pupil progression. Additional skills may be specified and tested for mastery at the local level as additional criteria for placement.

B. With reference to pupil placement, the local school system shall state the name of the instrument and publisher of other testing and screening programs to be used locally in grades K-12 for regular and exceptional students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999).

§707. Other Local Option Factors

A. In conjunction with the enumerated legislated guidelines and LDE directives, local school systems may include evaluative criteria in their local Pupil Progression Plans. If other criteria are used, the Pupil Progression Plan must so specify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999).

Chapter 9. Regulations for the Implementation of Remedial Education Programs Related to the LEAP/CRT Program

§901. Preface

A. The regulations for remedial education programs approved by the State Board of Elementary and Secondary Education are an addendum to Bulletin 1566, *Guidelines for Pupil Progression*, Board Policy 4.01.90. The regulations provide for the development of local remedial education programs by local education agencies.

B. The Louisiana Department of Education shall recommend for approval by the SBESE only those local remedial education plans in compliance with these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999).

§903. Legal Authorization

A. R.S. 17:24.4(G) provides that those students who fail to meet required proficiency levels on the state administered criterion-referenced tests of the Louisiana Educational Assessment Program shall receive remedial education programs that comply with regulations adopted by the State Board of Elementary and Secondary Education.

B. R.S. 17:394-400 is the established legislation for the remedial education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999).

§905. Definition and Purpose

A. Definitions

Department—the Louisiana Department of Education.

Remedial Education Programs—defined as local programs designed to assist students, including identified students with disabilities, to overcome their educational deficits identified as a result of the state's criterion-referenced testing program for grades 4 and 8 and the Graduation Exit Examination (R.S. 17:396, 397, 24.4 and Board Policy).

State Board—the State Board of Elementary and Secondary Education.

B. Purpose

1. The purpose of the Louisiana Remedial Education Act is to provide supplemental funds for the delivery of supplemental remedial instruction adapted for those eligible students in the elementary and secondary schools of this state as set forth in the city and parish school board Pupil Progression Plans approved by the SBESE. A program of remedial education shall be put into place by local parish and city school systems following regulations adopted by the department and approved by the State Board pursuant to R.S. 17:24.4. All eligible students shall be provided with appropriate remedial instruction (R.S. 17:395 A).

2. The intent of remedial educational programs is to improve student achievement in the grade appropriate skills identified as deficient on the state's criterion-referenced testing program for grades 4 and 8 and the Graduation Exit Examination (R.S. 17:395 B and Board Policy).

3. Beginning in the summer of 2006, remediation in the form of summer school shall be provided to both fourth and eighth grade students who score at the "Approaching Basic" or "Unsatisfactory" level on LEAP 21st for the 21st Century (LEAP 21) English Language Arts or Mathematics tests. Summer remediation shall consist of a minimum of 50 hours of instruction per subject.

4. Remediation shall be provided to students who score at the "Unsatisfactory" level on LEAP for the 21st Century (LEAP 21) Science and Social Studies tests.

5. Remediation is recommended for fourth and eighth grade students who score at the "Approaching Basic" level on LEAP for the 21st Century (LEAP 21) English Language Arts, Mathematics, Science, or Social Studies tests.

6. Beyond the goal of student achievement in grade appropriate skills, additional goals are to give students a sense of success, to prevent alienation from school, and to prevent their early departure from school (R.S. 17:395 B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 28:1189 (June 2002), LR 30:409 (March 2004), LR 31:1975 (August 2005).

§907. Responsibilities of the State Board of Elementary and Secondary Education

A The SBESE shall perform the following functions in relation to the remedial education program:

1. approve as a part of the Pupil Progression Guidelines (Bulletin 1566) the regulations for development of local remedial education programs designed to meet student deficiencies as identified through the Louisiana Educational Assessment Program in English/Language arts, written composition, mathematics, social studies and science [R.S. 17:399(A)] for the Graduation Exit Examination and English language arts, mathematics, science and social studies for LEAP 21;

2. approve remedial education programs submitted by local education agencies as a part of their local Pupil Progression Plan [R.S. 17:398(B)];

3. approve qualifications/certification requirements for remedial education teachers [R.S. 17:398(A)];

4. receive from the department an annual evaluation report on local remedial education programs that meet the requirements of R.S. 17:400(B);

5. approve the evaluation criteria developed by the department for determining the effectiveness of remedial education programs [R.S. 17:399(B)(2) and Board Policy].

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2174 (November 1999).

§909. State Funding of Remedial Education Programs

A. Remedial education funds shall be appropriated annually within the Minimum Foundation Program formula.

B. State remedial education funds shall be distributed to the parish and city school boards according to the distribution process outlined within the Minimum Foundation Program.

C. State funds for the remedial education program shall not be used to supplant other state, local, or federal funds being used for the education of such students [R.S. 17:399(B)5]. A plan for coordination of all state, local and

federal funds for remediation must be developed by each LEA.

D. The use of state remedial education funds shall not result in a decrease in the use for educationally deprived children of state, local, or federal funds which, in the absence of funds under the remedial education program, have been made available for the education of such students [R.S. 17:399(B)5].

E. For funding purposes, a student receiving remediation in English/Language arts, written composition, mathematics, social studies and/or science, shall be counted for each area in which remediation is needed [R.S. 17:398(B)] for the Graduation Exit Examination and for English language arts and mathematics for LEAP 21.

F. Students in the State Remediation Program are also included in the student membership count for MFP funding purposes.

G. The remedial education program shall be coordinated with locally funded and/or federally funded remedial education programs, but shall remain as a separate remedial program.

H. If the department determines through its monitoring authority that a city or parish board is not actually providing the type of remedial education program that was approved through its Pupil Progression Plan or is not complying with state evaluation regulations, the department shall recommend appropriate action until such time as it is determined that the school board is in compliance with its approved Pupil Progression Plan and with state evaluation regulations.

I. The state and local funds expended in the program shall be included in the instructional parameters for each city or parish school board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2174 (November 1999).

§911. Criteria for State Approval

A. Student Eligibility

1. Any public elementary or secondary student, including a student with a disability participating in LEAP 21, who does not meet the performance standards established by the department and approved by the State Board, as measured by the state criterion-referenced tests, shall be provided remedial education (R.S. 17:397).

2. The failure of students with disabilities to achieve performance standards on the state criterion-referenced tests does not qualify such students for special education extended school year programs (SBESE Policy).

B. Teacher Qualifications

1. Remedial teachers shall possess the appropriate certification/qualifications as required by the SBESE.

2. Parish and city school boards may employ an instructional paraprofessional under the immediate supervision of a regularly certified teacher to assist with the remediation. Paraprofessionals must have all of the following qualifications:

- a. must be at least 20 years of age;
- b. must possess a high school diploma or its equivalent; and
- c. must have taken a nationally validated achievement test and scored such as to demonstrate a level of achievement equivalent to the normal achievement level of a tenth grade student [R.S. 17:398(A) and Board Policy].

3. Parish and city school boards may employ educators already employed as regular or special education teachers to provide remedial instruction. These educators may receive additional compensation for remedial instruction, provided the services are performed in addition to their regular duties (R.S. 17:398(A)).

C. Program Requirements

1. Student Profile

a. The Remedial Education Student Profile for the LEAP 21/Graduation Exit Examination, provided by the LDE shall be used by the local school system for providing remediation for each eligible student (Board Policy).

2. Coordination with Other Programs

a. The school system shall assure that coordination and communication occur on a regular basis among all who provide instruction for a student receiving remedial instruction (Board Policy).

3. Instruction

a. For the Graduation Exit Examination for the 21st Century (GEE 21), remediation shall be provided in English Language Arts, Mathematics, Science, and Social Studies. Students shall be offered 50 hours of remediation in each content area they do not pass.

b. Beginning in the summer of 2006, remediation in the form of summer school shall be provided to both fourth and eighth grade students who score at the "Approaching Basic" or "Unsatisfactory" level on LEAP for the 21st Century (LEAP 21) English Language Arts or Mathematics tests. Summer Remediation shall consist of a minimum of 50 hours of instructions per subject.

c. Remediation shall be provided to students who score at the "Unsatisfactory" level on LEAP for the 21st Century (LEAP 21) science and social studies tests.

d. Remediation is recommended for fourth and eighth grade students who score at the "Approaching Basic" level on LEAP for the 21st Century (LEAP 21) English Language Arts, Mathematics, Science, or Social Studies tests.

e. Instruction shall include but not be limited to the philosophy, the methods, and the materials included in local

curricula that are based upon State Content Standards in mathematics, English language arts, science and social studies (Board Policy 3.01.08).

f. Remedial methods and materials shall supplement and reinforce those methods and materials used in the regular program (Board Policy).

g. Each student achieving mastery criteria shall continue receiving instruction for maintenance of grade appropriate skills. The amount of instruction shall be based upon student need (R.S. 17:395.E).

D. Student Assessment

1. The parish and city school boards shall develop, as part of their Pupil Progression Plans, mastery criteria based on the State Content Standards and local curricula based on these standards [R.S. 17:395(D) and Board Policy].

2. For Graduation Exit Examination these mastery criteria shall be used in determining the extent of student achievement in those grade appropriate skills in English language arts, written composition, mathematics, social studies, and/or science in which he/she was found deficient (R.S. 17:395(D), 17:24.4(G) and Board Policy).

3. For LEAP 21, these mastery criteria shall be used in determining the extent of student achievement in those grade appropriate skills in English language arts, mathematics, science and social studies.

4. School systems shall describe the methods used to measure student achievement of these criteria [R.S. 17:395(D) and Board Policy].

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2175 (November 1999), amended LR 27:189 (February 2001), LR 30:409 (March 2004), LR 31:1976 (August 2005).

§913. Local Program Development and Evaluation

A. Each parish and city school board shall develop annually a remedial education program as part of its Pupil Progression Plan, which complies with the established regulations adopted by the department and approved by the SBESE pursuant to R.S. 17.24.4.

B. The remedial education plan shall describe all remedial instruction and proposals for program improvement. Proposals shall include a narrative that shall incorporate the following:

- 1. program objective;
- 2. student population to be served and the selection criteria to be used;
- 3. methodologies, materials, and/or equipment to be used in meeting the remediation needs;
- 4. brief description of the remedial course;
- 5. plan for coordination of state, federal, and local funds for remediation;

6. procedure for documenting student's and parent(s) refusal to accept remediation;

7. evaluation plan encompassing both the educational process and the growth and achievement evidenced of students (R.S. 17:399(A)).

C. The remedial program shall be based on performance objectives related to educational achievement in grade appropriate skills addressed through the statewide curriculum standards for required subjects, and shall provide supplementary services to meet the educational needs of each participating student.

D. Each local school system shall adhere to the remedial education plan as stated in its approved Pupil Progression Plan and shall provide services accordingly [R.S. 17:400(A) and Board Policy].

E. Each local school system shall include within the remedial education plan a summary of how state, federal, and local funds allocated for remediation have been coordinated to ensure effective use of such funds [R.S. 399(A)(5) and B(4) and Board Policy].

F. Each local school system shall maintain a systematic procedure for identifying students eligible for remedial education (R.S. 17:397).

G. Each local school system shall offer remediation accessible to all students. Refusal to accept remediation by student and parent(s) must have written documentation signed by student and parent(s).

H. A list of all students eligible for remediation shall be maintained at the central office level with individual school lists maintained at the building level (Board Policy).

I. Each local school system shall participate in the evaluation of the Remedial Education Program conducted by the department [17:399(A)(6) and Board Policy].

J.1. Each local school system shall complete an annual evaluation of its program, using the approved department guidelines, and shall submit the evaluation report to the State Superintendent by June 15 of each year [R.S. 17:399(B)(1) and Board Policy]. The evaluation plan shall include specific means to examine and document:

- a. student performance;
- b. coordination with other programs;
- c. instruction.

2. The evaluation shall be conducted as described in the local evaluation plan (Board Policy).

K. Annually, prior to October 15, each school system shall report to the public the results of its efforts to provide a remedial education program and the results of the monitoring review submitted by the State Superintendent (Board Policy).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2175 (November 1999), amended LR 27:190 (February 2001).

§915. State Department of Education Responsibilities

A. The department shall be responsible for reviewing plans, monitoring implementation, and evaluating the remedial education programs of the local school system [R.S. 17:400(A)].

B. The State Superintendent of Education shall prepare an annual report for submission to the SBESE and the Joint Committee on Education of the Louisiana Legislature which shall contain:

1. the number of students participating in remedial education programs; and
2. the level of student achievement.

C. The department shall provide guidelines for local evaluation of programs, shall review the local evaluation plans, shall monitor the implementation of remedial education plans, and shall receive and approve evaluation reports [R.S. 17:400(A) and Board Policy].

D. Within 60 days of receipt of the evaluation report from the local school system, the department shall submit to each local school system an analysis of the system's evaluation report and the department's monitoring results (Board Policy).

E. The department shall provide technical assistance to the city and parish school boards which shall include:

1. assistance with development of the remedial section of the Pupil Progression Plan;
2. assistance with staff development;
3. assistance with the use of appropriate department forms;
4. assistance with program implementation; and
5. assistance with conducting local evaluations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November 1999).

Chapter 11. Appendix A

§1101. Definition of Terms

A. As used in this bulletin the terms shall be defined as follows:

1. State Terms

Acceleration—advancement of a pupil at a rate faster than usual in or from a given grade or course. This may include "gifted student" as identified according to Bulletin 1508.

Alternate Assessment—the substitute way of gathering information on the performance and progress of

students with disabilities who do not participate in typical state assessments.

Alternative to Regular Placement—placement of students in programs not required to address the State Content Standards.

Content Standards—statements of what we expect students to know and be able to do in various content areas.

LEAP 21 Summer Remediation Program—the summer school program offered by the LEA for the specific purpose of preparing students to pass the LEAP 21 summer retest in English language arts, or mathematics.

Louisiana Educational Assessment Program (LEAP)—the state's testing program that includes the grades 3, 5, 6, 7 and 9 Louisiana Norm-referenced Testing Program; the grades 4 and 8 Criterion-referenced Testing Program including English language arts, mathematics, social studies and science and the Graduation Exit Examination (English language arts, mathematics, written composition, science and social studies).

Promotion—a pupil's placement from a lower to a higher grade based on local and state criteria contained in these Guidelines.

Pupil Progression Plan—"The comprehensive plan developed and adopted by each parish or city school board which shall be based on student performance on the Louisiana Educational Assessment Program with goals and objectives which are compatible with the Louisiana competency-based education program and which supplement standards approved by the State Board of Elementary and Secondary Education (SBESE). A Pupil Progression Plan shall require the student's proficiency on certain test as determined by SBESE before he or she can be recommended for promotion."

Regular Placement—the assignment of students to classes, grades, or programs based on a set of criteria established in the Pupil Progression Plan. Placement includes promotion, retention, remediation, and acceleration.

Remedial Programs—programs designed to assist students including students with disabilities and Non/Limited English Proficient (LEP) students, to overcome educational deficits identified through the Louisiana Education Assessment Program and other local criteria.

Remediation—see *Remedial Programs*.

Retention—nonpromotion of a pupil from a lower to a higher grade.

2. Local Terms

a. The definition of *terms* used in a local school system plan must be clearly defined for use as the basis for interpretation of the components of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November

1999), amended LR 27:190 (February 2001), LR 31:1976 (August 2005).

Chapter 13. Appendix B

§1301. LEAP for the 21st Century, High Stakes Testing Policy

A. LEAP for the 21st Century High Stakes Testing Policy (Grades 4 and 8)

1. A student may not be promoted to the fifth or ninth grade until he or she has scored at or above the "Basic" achievement level on either the English Language Arts or Mathematics component on the fourth or eighth grade LEAP for the 21st Century (LEAP 21) and at the "Approaching Basic" achievement level on the other (hereafter referred to as the "Basic/Approaching Basic" combination). For promotional purposes; however, a student shall score at or above the "Basic/Approaching Basic" combination on the English Language Arts and Mathematics components of LEAP 21 only one time.

2. A parent/student/school compact that outlines the responsibilities of each party will be required for students in grades 3, 4, 7, and 8 who have been determined to be at risk of failing to achieve the "Basic/Approaching Basic" combination on the English Language Arts and Mathematics components of the fourth or eighth grade LEAP 21, as well as for students who were retained in grades 4 or 8.

3. LEAs shall offer a minimum of 50 hours per subject of summer remediation and retest opportunities in English language arts and mathematics at no cost to students who did not take the spring LEAP 21 tests or who scored "Approaching Basic" and/or "Unsatisfactory" on the English Language Arts and/or Mathematics component(s) on the spring tests.

a. A student who failed to achieve the "Basic/Approaching Basic" combination is not required to attend the LEA-offered LEAP 21 summer remediation program in order to be eligible for the summer retest.

b. All students with disabilities who participate in LEAP 21 should receive services along with regular education students in summer remediation programs, with special supports provided as needed.

c. students with disabilities who participate in LEAP Alternate Assessment, Level 1 (LAA1), are not eligible to attend the LEAP 21 summer remediation programs.

d. Students with disabilities who participate in LEAP Alternate Assessment, Level 2 (LAA2), are eligible to attend LEAP summer remediation programs.

4.a. In order to move students toward grade level performance, LEAs shall design and implement additional instructional strategies for those fourth and eighth grade students being retained. The purpose of the additional instructional strategies is to move the students to grade level proficiency by providing the following:

i. focused instruction in the subject area(s) on which they scored at the "Approaching Basic" and/or "Unsatisfactory" level on LEAP 21; and

ii. ongoing instruction in the core subject areas using curricula based on state-level content standards and the grade level expectations.

b. LEAs are also encouraged to design and implement additional instructional strategies for students in grades 3, 4, 7, and 8 who have been determined to be at risk of failing to achieve the "Basic/Approaching Basic" combination on LEAP 21.

5. Promotion/Retention Policies

a. Grade 4

i. A student may not be promoted to the fifth grade until he or she has scored at or above the "Basic" achievement level on either the English Language Arts or Mathematics component on the fourth grade LEAP 21 and at the "Approaching Basic" achievement level on the other.

ii. The decision to retain a student in the fourth grade more than once as a result of his/her failure to achieve the "Basic/Approaching Basic" combination on the English Language Arts and Mathematics components of LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan which shall include the following.

(a). A student who has repeated the fourth grade may be promoted to only the fifth grade. A district may apply for a waiver from this part of the policy if their specific plan is presented to the Department of Education, and the State Superintendent of Education approves it.

(b). However, a student who has repeated the fourth grade and who is 12 years old on or before September 30 may be promoted according to the local Pupil Progression Plan.

iii. After the summer retest, a school system, through its superintendent, may consider granting an appeal on behalf of individual students, provided that all of the following criteria have been met.

(a). The student's highest score in English Language Arts and/or Mathematics on either the spring or summer LEAP 21 must fall within 20 scaled score points of the cutoff score for "Basic."

(b). The student shall have a 3.0 grade point average on a 4.0 scale in the subject(s) for which the appeal is being considered.

(c). The student must have attended the LEAP 21 summer remediation program.

(d). The student must have taken the LEAP 21 retest given after the LEAP 21 summer remediation program has been concluded.

(e). The student must have met state-mandated attendance regulations during the regular school year and any locally mandated regulations during the summer remediation program.

(f). The principal and the School Building Level Committee (SBLC) must review student work samples and attest that the student exhibits the ability of performing at or above the *Basic* achievement level in the subject for which the appeal is being considered.

iv. LEAP 21 Testing

(a). Students retained in the fourth grade shall retake all four components of LEAP 21.

b. Grade 8

i. A student may not be promoted to the ninth grade until he or she has scored at or above the "Basic" achievement level on either the English Language Arts or Mathematics component on the eighth grade LEAP 21 and at the "Approaching Basic" achievement level on the other.

ii. After the summer retest, a school system, through its superintendent, may consider a waiver for an eighth grade student who has scored at the "Approaching Basic" level on both the English Language Arts and Mathematics components of LEAP 21. The LEA may grant the waiver in accordance with the local Pupil Progression Plan provided the following criteria are met.

(a). The student may be promoted to the ninth grade, provided that he or she has scored at the "Approaching Basic" level on both the English Language Arts and Mathematics components of LEAP 21, has attended the LEAP 21 summer remediation program offered by the district, and has taken the summer retest administered at the conclusion of the summer program.

(b). The student must retake the component(s) (English Language Arts and/or Mathematics) of the retest on which a score of "Approaching Basic" or below was attained on the spring test. At a minimum, the student shall score "Approaching Basic" on the English Language Arts and the Mathematics component(s) of the summer retest.

(c). Any student who scores less than "Approaching Basic" on either component of the summer retest is ineligible for the waiver consideration.

iii. The student who has repeated the eighth grade may be either:

(a). retained again in the eighth grade;

(b). promoted to the ninth grade, provided that the student has scored at the "Approaching Basic" level on either the English Language Arts or Mathematics component of LEAP 21, has attended the LEAP 21 summer remediation program offered by the District in, at a minimum, the "Unsatisfactory" subject, and has taken the summer retest administered at the conclusion of the summer program. If promoted with an "Unsatisfactory" on the English Language Arts or Mathematics component of LEAP 21, the student must enroll in and pass a high school remedial course in the "Unsatisfactory" subject (English language arts or mathematics) before enrolling in or earning Carnegie credit for English or mathematics; or

(c). placed in the Pre-GED/Skills Options Program that shall be available to students who meet criteria as outlined in *Bulletin 741—Louisiana Handbook for School Administrators*, §2907.

iv. LEAP 21 Testing

(a). Students repeating the eighth grade will retake all four components of LEAP 21.

(b). Students in the Pre-GED/Skills Options Program will take the ninth grade iLEAP.

6. Exceptions to the High Stakes Testing policy may include:

a. Policy Override

i. The local school system (LEA) may override the state policy for students scoring at the "Unsatisfactory" level in English language arts or mathematics, if the student scores at the "Mastery" or "Advanced" level in the other, provided that:

(a). the decision is made in accordance with the local Pupil Progression Plan, which may include a referral to the School Building Level Committee (SBLC);

(b). the student has participated in both the spring and summer administrations of LEAP 21 and has attended the summer remediation program offered by the LEA (the student shall participate in the summer retest only on the subject that he/she scored at the "Unsatisfactory" achievement level during the spring test administration); and

(c). parental consent is granted.

b. Students with Disabilities Eligible under the Individuals with Disabilities Education Act (IDEA) participating in LEAP Alternate Assessments

i. Students with disabilities who participate in the LEAP Alternate Assessment Level 1 (LAA1), shall have promotion decisions determined by the SBLC.

ii. Students with disabilities who participate in the LEAP Alternate Assessment, Level 2 (LAA2), shall have promotion decisions determined by the SBLC.

c. Waiver for Limited English Proficient (LEP) Students

i. LEP students shall participate in statewide assessment. The SBLC shall be granted the authority to waive the state's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

d. Waiver for Extenuating Circumstances

i. A school system, through its superintendent, may grant a waiver on behalf of individual students who are unable to participate in LEAP 21 testing or unable to attend LEAP 21 summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation:

(a). a physical illness or injury that is acute or catastrophic in nature;

(b). a chronic physical condition that is in an acute phase;

(c). court-ordered custody issues.

ii. Documentation

(a). *Physical Illness*—appropriate documentation must include verification that the student is under the medical care of a licensed physician for illness, injury, or a chronic physical condition that is acute or catastrophic in nature. Documentation must include a statement verifying that the illness, injury, or chronic physical condition exists to the extent that the student is unable to participate in testing and/or remediation.

(b). *Custody Issues*—certified copies of the court-ordered custody agreements must be submitted to the LEA at least 10 school days prior to summer remediation or retesting.

iii. Student Eligibility/Retest Requirements

(a). Students who meet the criteria for extenuating circumstances under the *physical illness*, *chronic physical condition*, or *court-ordered custody category* related to LEAP 21; and

(b). who are unable to participate in both the spring and the summer administration of LEAP 21; or

(c). who failed to achieve the "Basic/Approaching Basic" combination on the spring administration of LEAP 21 English Language Arts and Mathematics tests and are unable to participate in LEAP 21 summer retest:

(i). shall take the Iowa Tests for grade placement within 10 school days of returning to school, which may include hospital/homebound instruction, in order to ensure the appropriate level of instruction;

(ii). must score at or above the cutoff score on the selected form of the Iowa Tests for grade placement to be promoted to the fifth or ninth grade; and

(iii). are not eligible for a retest. These students may be eligible for the policy override or appeals process in accordance with the local Pupil Progression Plan;

NOTE: The appeals process is available only to fourth grade students.

(d). students who meet the criteria for extenuating circumstances under the *physical illness*, *chronic physical condition*, or *court-ordered custody category* related to LEAP 21; and

(e). who are unable to participate in the spring testing and/or summer remediation, including the provision of remediation through hospital/home bound instruction, are required to take the LEAP 21 summer retest. These students may be eligible for the policy override or appeals process in accordance with the local Pupil Progression Plan.

NOTE: The appeals process is available only to fourth grade students.

e. State-Granted Exception

i. A local school superintendent, a parent or guardian, or the State Department of Education may initiate a request for a state-granted waiver from the State Superintendent of Education on behalf of individual students who are not eligible for promotion because of LEA error or other unique situations not covered under extenuating circumstances.

ii. The Department of Education will provide a report to the State Board of Elementary and Secondary Education detailing state-granted waivers.

iii. Documentation

(a). *LEA Error*—the LEA superintendent or parent must provide the State Superintendent of Education with school- and student-level documentation detailing the error, how the error occurred, and how the error will be corrected so that it will not occur again in the future.

(b). *Other Unique Situations*—documentation must be provided to the State Superintendent of Education detailing the unique situation and justifying why a waiver should be granted.

iv. Testing/Promotion Decisions

(a). The Department of Education will communicate to the LEAs the means for establishing promotional decisions for those students who have received a state-granted waiver.

7. The promotion policies outlined above will be reviewed in 2008.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 27:1008 (July 2001), amended LR 27:1683 (October 2001), LR 28:1189 (June 2002), LR 29:123 (February 2003), LR 30:409 (March 2004), LR 31:1976 (August 2005), LR 31:3104 (December 2005).

Chapter 15. Appendix C

§1501. Waiver Request

A. Implementation of a Fourth Grade Transitional Program with a Sixth Grade Promotion Option Pupil Progression Plan Amendment

1. Section I

a. Purpose of a Transitional Program:

i. The State Board of Elementary and Secondary Education (SBESE) requires that school systems develop and implement additional instructional options for those students repeating the fourth grade. A transitional program is one such option. The purpose of a fourth grade transitional program is to provide a class setting to students who have demonstrated the ability to benefit from a combination of intensive fourth grade remedial work and fifth grade regular

coursework. Students in the transitional program may be able to progress to the sixth grade the following year.

2. Section II

a. Minimum criteria for placement into a fourth grade transitional program:

i. the student must score at the "approaching basic" or above achievement on level either the English language arts or mathematics component of LEAP 21;

ii. the student must have met all requirements for promotion from the fourth grade as outlined in the local pupil progression plan; and

iii. the student must participate in both the summer remediation program offered by the LEA and the summer retest.

3. Section III

a. Minimum criteria for promotion to the sixth grade from a fourth grade transitional program:

i. the student must meet the required combination achievement level ("basic/approaching basic") on the English language arts and mathematics components of LEAP 21;

ii. the student must have met all requirements for promotion from the fifth grade as outlined in the local Pupil Progression Plan;

iii. the student must obtain a composite score of 1200 on all four components of the fourth grade LEAP 21;

iv. in order to move students toward the required combination achievement level ("basic/approaching basic") on the English language arts and mathematics components of LEAP 21, the student must be provided remediation in the subject area(s) on which the student scored below "basic" on LEAP 21; and

v. in order for students to attain the required composite score (1200) on LEAP 21, focused instruction should be provided in the subject area(s) (Science and/or Social Studies) on which the student scored "unsatisfactory."

4. Section IV

a. Required Documentation

i. A school system requesting a waiver must submit data to the State Superintendent of Education that supports the effectiveness of their previously operated fourth grade transitional program. This data must include an analysis of sixth grade IOWA Tests scores that compare fourth grade students who repeated the entire grade, fourth grade students who repeated the grade in a transitional program (4.5 program), and fourth grade students who did not repeat any grades.

5. Section V

a. Assurances

i. I assure that the fourth grade transitional program described in the amended 2005-2006 Pupil Progression Plan

meets all of the requirements as outlined in Sections I, II, III, and IV of this document.

ii. Based upon this submitted assurance, the _____ School System is requesting a waiver of the High Stakes Testing Policy to allow for the implementation of a fourth grade transitional program which meets the purpose as described in Section I with the option of promoting students to the sixth grade.

iii. School systems applying for this waiver must submit their request by Friday, July 15, 2005, and receive approval from the State Superintendent of Education prior to the implementation of a transitional (4.5) program that provides the option of promotion to the sixth grade. School systems must submit all required documentation as listed in Section IV, and if approved, Sections I, II, and III must be

included in the school system's 2005-2006 Pupil Progression Plan.

iv. Signature of School System Superintendent:

v. Date: _____

6. Section VI

a. Approved/Denied: (circle one)

Cecil J. Picard
State Superintendent of Education

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:413 (March 2004), amended LR 31:1978 (August 2005).

Title 28

EDUCATION

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